



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

FEB 24 2004

#42

TIMOTHY B. McBRIDE
SENNINGER, POWERS, LEAVITT & ROEDEL
ONE METROPOLITAN SQUARE, 16TH FLOOR
ST. LOUIS, MO 63102

In re Application of :
Gregory A. Thompson et al :
Serial No.: 07/762,762 : PETITION DECISION
Filed: September 16, 1991 :
Attorney Docket No.: MTC6824.1 :

This is in response to the petition under 37 CFR 1.181, filed October 31, 2002, requesting withdrawal of abandonment based on timely filing of a reply. The delay in acting on this petition is regretted. The petition was not forwarded properly for decision. The error is regretted.

A review of the file history shows that the examiner mailed a Notice of Allowance and Issue Fee Due and a Notice of Allowability to applicants on August 2, 1999, setting a three month statutory period for payment of the Issue Fee and a three month shortened statutory period for submission of new drawings. Upon failure to receive the drawings the application was held abandoned by Notice of Abandonment mailed February 15, 2000. Applicants state that the Issue Fee and drawings were submitted on October 5, 1999. The petition notes that the Notice of Allowance and Issue Fee Due and the Notice of Abandonment were misaddressed and had to be forwarded to the attorney of record for action. This delayed the filing of the petition to withdraw the holding of abandonment, although the Issue Fee and drawings were timely filed. The petition also notes a telephone interview with John LeGuyader who indicated that the formal drawings submitted October 5, 1999, which had been lost, had been located and placed in the file. Subsequent to the submission of the petition by Barbara Rae Venter applicants submitted a new power of attorney to the above identified firm.

It is also noted that the Issue Fee transmittal form provided a Deposit Account Number for purposes of charging the Issue Fee, but that a note attached to the form indicates that there were at that time (October 28, 1999) insufficient funds in the Deposit Account to pay the fee due. The Issue Fee was later paid on December 6, 1999, by check. In view of the evidence presented and of record in the file, the Notice of Abandonment is withdrawn and the application restored to pending status with the mailing of this decision.

The petition is **GRANTED**.

The application will be forwarded to Publications Division for printing as a patent.

Should there be any questions about this decision please contact William R. Dixon, Jr., by letter addressed to Director, TC 1600, at the address listed above, or by telephone at 571-272-0519 or by facsimile sent to the general Office facsimile number.



John Doil
Director, Technology Center 1600

